



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG

Docket No: 7502-99

22 September 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: CTR3-M [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 10 Dec 98 w/attachments
(2) PERS-601 memo dtd 24 May 99
(3) PERS-311 memo dtd 19 May 00
(4) Memo for record dtd 10 Jul 00
(5) PERS-311 memo dtd 23 Aug 00
(6) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by removing the service record page 13 ("Administrative Remarks") dated 2 December 1997, a copy of which is at Tab A to enclosure (1). She further requested that the enlisted performance evaluation report for 16 December 1997 to 15 June 1998 be modified by removing all adverse information. A copy of this report is at Tab B to enclosure (1).

2. The Board, consisting of Messrs. Bartlett, Morgan, and Zsalman, reviewed Petitioner's allegations of error and injustice on 20 September 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In the performance evaluation report in question, block 20 ("Physical Readiness") is marked "P [passed physical readiness test (PRT)]/NS [not within height/weight or body fat standards]." Block 40 ("Individual Trait Avg.") reflects "2.43," which is based on the marks assigned in blocks 33 through 39: block 36 ("Military Bearing/Character") shows an adverse

mark of "1.0"; the other marks comprising the block 40 average are four of "3.0" and two of "2.0." Block 43 ("Comments on Performance") includes the following unfavorable material:

20, 36 - Failed (second) to meet body fat standards in accordance with OPNAVINST [Naval Operations Instruction] 6110.1D. Member making satisfactory progress in Command remedial program.

...

- Inability to meet PRT standards detracts from her overall performance.

Block 45 ("Promotion Recommendation - Individual") shows an adverse mark of "Significant Problems [lowest possible]." Block 46 ("Promotion Recommendation - Summary") shows four petty officers third class (including Petitioner) under "Significant Problems" and seven under "Promotable [third lowest]."

c. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC), Navy Drug and Alcohol, Fitness, Education, and Partnerships Division (PERS-601), has recommended removing the contested page 13, which alleges Petitioner's first failure to meet body fat standards. PERS-601 commented to the effect that the page 13 was based on incomplete documentation for determination of body fat percentage, as body fat determination is the circumference value of three measurements, not two.

d. The NPC Performance Evaluation Branch (PERS-311) has submitted two opinions in this case. In enclosure (3), their first opinion, they cited the PERS-601 opinion in recommending "partial approval" of Petitioner's request to modify the performance evaluation report in question. Specifically, they recommended that block 20 be changed to "P/WS [within height/weight or body fat standards]"; that block 36 be changed to "NOB [not observed]" and that the following be removed from block 43:

20, 36 - Failed (second) to meet body fat standards in accordance with OPNAVINST 6110.1D. Member making satisfactory progress in Command remedial program.

e. The memorandum for the record at enclosure (4) reflects Petitioner's reporting senior was contacted and asked for her recommendations regarding the marks in blocks 36 and 45 and the comments in block 43. The memorandum shows she supported changing block 36 to "NOB," changing block 45 to "Progressing [second lowest]" and removing from block 43 all adverse language concerning failure to meet standards.

f. Enclosure (5), the second opinion from PERS-311, was submitted in light of the reporting senior's input. They repeated their previous recommendations for modification of the performance evaluation report at issue, but added two more: changing block 45 to

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"Promotable" (on the basis that "Progressing" was not a permissible mark where the member had been recommended for advancement previously) and removing the following from block 43: "Inability to meet PRT standards detracts from her overall performance." As in their first opinion, they indicated that they recommend "partial approval." However, their latest recommendation amounts to full relief, as it effectively removes all adverse information as Petitioner requested.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of enclosures (2) and (5), the Board finds the existence of an injustice warranting removal of the contested page 13 and modification of the performance evaluation report at issue in accordance with the latest recommendation from PERS-311.

The Board notes that changing Petitioner's mark in block 36 to "NOB" requires changing block 40 accordingly, to "2.67"; and that changing the mark in block 45 requires changing block 46 accordingly.

In view of the above, the Board directs the following corrective action:

RECOMMENDATION:

a. That Petitioner's naval record be corrected by removing therefrom the service record page 13 ("Administrative Remarks") dated 2 December 1997.

b. That Petitioner's record be further corrected by modifying her enlisted performance evaluation report for 16 December 1997 to 15 June 1998, signed [REDACTED], USN and dated 8 June 1998, as follows:

- (1) Block 20 ("Physical Readiness"): Change from "P/NS" to "P/WS."
- (2) Block 36 ("Military Bearing/Character"): Change from "1.0" to "NOB."
- (3) Block 40 ("Individual Trait Avg."): Change from "2.43" to "2.67."
- (4) Block 43 ("Comments on Performance"): Remove the following:
 - 20, 36 - Failed (second) to meet body fat standards in accordance with OPNAVINST 6110.1D. Member making satisfactory progress in Command remedial program.
 - Inability to meet PRT standards detracts from her overall performance.

(5) Block 45 ("Promotion Recommendation - Individual"): Change from "Progressing" to "Promotable."

(6) Block 46 ("Promotion Recommendation - Summary"):

(a) Under "Significant Problems," change from "4" to "3."

(b) Under "Promotable," change from "7" to "8."

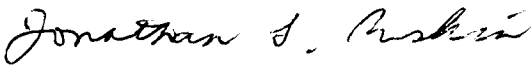
c. That appropriate corrections be made to the magnetic tape or microfilm maintained by the Navy Personnel Command.

d. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

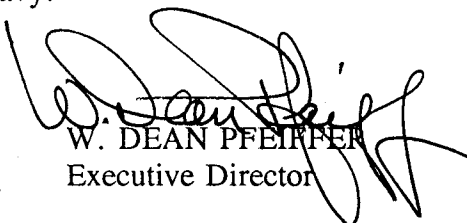
e. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

7502-99
6110
PERS-601
24 May 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
PETTY OFFICER [REDACTED] JORDAN, U [REDACTED]

Ref: (a) BCNR F [REDACTED] /Microfiche Service Record
(b) OPNAVINST 6110.1D

1. Per reference (a), correction of the member's record is justified. Petty Office [REDACTED] Page 13 of 2 December 1997 has incomplete documentation for determination of body fat percentage. Per reference (b), body fat determination is the circumference value of three measurements, not two.

2. Recommend removal of Page 13 from Petty Office [REDACTED] service record.

3. PERS-601/point of contact is HMCS(SW/[REDACTED])
(DS [REDACTED])

[REDACTED]
[REDACTED]
[REDACTED]
Captain, U.S. Navy
Director, Navy Drug & Alcohol,
Fitness, Education, and
Partnerships Division (PERS-60)



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
19 May 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: CTR [REDACTED], U [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual
(b) NPC Memo 6110 PERS-601 of 24 May 1999

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests modification to her performance evaluation for the period 16 December 1997 to 15 June 1998.

2. Based on our review of the material provided, we find the following:

a. We have reviewed Petty [REDACTED] petition based on the new material presented.

b. The member's performance evaluation for the period in question indicated she had failed her second PRT by reason of body fat standards. In view of reference (b), we recommend partial approval of the member's request.

c. Only the reporting senior who signed the original performance evaluation may submit supplemental material to file in the member's record.

3. We recommend block-20 be changed to P/WS, block-36 be changed to NOB as we cannot determine the performance mark the member deserves, and deletion of the following from block-43:

"20, 36 - Failed (second) to meet body fat standards in accordance with OPNAVINST 6110.1D. Member making satisfactory progress in Command remedial program."

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Head, Performance
Evaluation Branch

MEMORANDUM FOR THE RECORD

**BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR)
PERFORMANCE SECTION
2 NAVY ANNEX, SUITE 2432
WASHINGTON, DC 20370-5100
TELEPHONE: DSN 224-9842 OR COMM (703) 614-9842
FAX: DSN 224-9857, COMM (703) 614-9857**

DATE: 10JUL00

DOCKET # [REDACTED]

PETITIONER (PET): CTRS MA [REDACTED] USN

PARTY I CALLED: CAPT JUDITH A. FARBER, USN

TELEPHONE NUMBER: (703) 695-5091

WHAT I SAID: I ASKED [REDACTED] FOR HER RECOMMENDATIONS RE PET'S
CONTESTED FITREP FOR 16DEC97-15JU8N98, IN WHICH SHE WAS RS.
SPECIFICALLY BLKS 36 AND 45, AND THE ADVERSE LANG.

WHAT PARTY SAID: [REDACTED] INFORMED ME THAT SHE SPTS THE "NOB"
MARKING IN BLK 36 VICE THE "1.0", AND A "PROGRESSING" MARKING IN BLK
45 VICE "SIGNIFICANT PROBLEMS". SHE ALSO SPTS REMOVAL OF ALL
ADVERSE LANG RE PET'S FAILURE TO MEET WT STANDARDS.

[REDACTED]



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
23 August 2000

AMENDMENT

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: CTR5 [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual
(b) NPC Memo 6110 PERS-601 of 24 May 1999

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests modification to her performance evaluation for the period 16 December 1997 to 15 June 1998.
2. Based on our review of the material provided, we find the following:
 - a. We have reviewed Petty Officer [REDACTED] petition based on the new material presented.
 - b. The member's performance evaluation for the period in question indicated she had failed her second PRT by reason of body fat standards. In view of reference (b), we recommend partial approval of the member's request.
 - c. Only the reporting senior who signed the original performance evaluation may submit supplemental material to file in the member's record.
 - d. We are unable to determine the member's promotion recommendation on her prior performance evaluation as E-4 and below evaluations are not kept in her headquarters record, however, she was selected for advancement to Petty Officer Third Class from exam cycle 156.
 - e. The promotion recommendation on the performance evaluation in question is correct as long as the reporting senior recommends it. The promotion recommendation "Significant Problems" withdraws an advancement recommendation previously in effect. Therefore, the reporting senior cannot change the report in question to "Progressing". The reporting senior may submit supplemental material recommending that block-45 be changed to "Promotable, Must Promote, or Early Promote."

3. We recommend block-20 be changed to P/WS, block-36 be changed to NOB as we cannot determine the performance mark the member deserves, and deletion of the following from block-43:

“20, 36 - Failed (second) to meet body fat standards in accordance with OPNAVINST 6110.1D. Member making satisfactory progress in Command remedial program.”

“Inability to meet PRT standards detracts from her overall performance.”

In view of the above we also recommend block-45 be changed to “Promotable” vice “Progressing.”

A black rectangular redaction box covering a signature.

Head, Performance
Evaluation Branch